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SENATE BILL 5528

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State of Washington

57th Legislature

2001 Regular Session

By Senators McAuliffe, Winsley, Kohl-Welles, Eide, Regala, Kline, Costa and Gardner; by request of Governor Locke, Attorney General and Superintendent of Public Instruction

Read first time 01/25/2001. Referred to Committee on Education.

1 AN ACT Relating to preventing harassment, intimidation, or bullying  
2 in schools; adding new sections to chapter 28A.635 RCW; and creating a  
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature declares that a safe and  
6 civil environment in school is necessary for students to learn and  
7 achieve high academic standards. The legislature finds that  
8 harassment, intimidation, or bullying, like other disruptive or violent  
9 behavior, is conduct that disrupts both a student's ability to learn  
10 and a school's ability to educate its students in a safe environment.

11 Furthermore, the legislature finds that students learn by example.  
12 The legislature commends school administrators, faculty, staff, and  
13 volunteers for demonstrating appropriate behavior, treating others with  
14 civility and respect, and refusing to tolerate harassment,  
15 intimidation, or bullying.

16 NEW SECTION. **Sec. 2.** As used in sections 3 through 5 of this act,  
17 "harassment, intimidation, or bullying" means any gesture or written,  
18 verbal, or physical act taking place on or immediately adjacent to

1 school grounds, at any school-sponsored activity, on school-provided  
2 transportation, or at any official school bus stop that (1) a  
3 reasonable person under the circumstances should know will have the  
4 effect of harming a student or damaging his or her property, or placing  
5 a student in reasonable fear of harm to his or her person or damage to  
6 his or her property, or (2) has the effect of insulting or demeaning  
7 any student or group of students in such a way as to disrupt or  
8 interfere with the school's educational mission or the education of any  
9 student. "Harassment, intimidation, or bullying" includes but is not  
10 limited to any such gesture or written, verbal, or physical act that is  
11 reasonably perceived as being motivated either by any actual or  
12 perceived characteristic in RCW 9A.36.080(3) or by any other  
13 distinguishing characteristic.

14 NEW SECTION. **Sec. 3.** (1) Each school district shall adopt a  
15 policy prohibiting harassment, intimidation, or bullying on or  
16 immediately adjacent to school grounds, at any school-sponsored  
17 activity, on school-provided transportation, or at any official school  
18 bus stop. Each school district shall have local control over the  
19 content of the policy as long as the policy contains, at a minimum, the  
20 components in subsection (2) of this section. It is recommended that  
21 the policy be adopted through a process that includes representation of  
22 parents or guardians, school employees, volunteers, students,  
23 administrators, and community representatives.

24 (2) Each school district's policy shall, at a minimum, include each  
25 of the following components:

26 (a) A statement prohibiting harassment, intimidation, or bullying  
27 of a student;

28 (b) A definition of harassment, intimidation, or bullying no less  
29 inclusive than that in section 2 of this act;

30 (c) A description of the type of behavior expected from each  
31 student;

32 (d) Consequences and appropriate remedial action for a person who  
33 commits an act of harassment, intimidation, or bullying;

34 (e) A procedure for reporting an act of harassment, intimidation,  
35 or bullying, including a provision that permits a person to report an  
36 act of harassment, intimidation, or bullying anonymously; however, this  
37 subsection (2)(e) shall not be construed to permit formal disciplinary  
38 action solely on the basis of an anonymous report;

1 (f) A procedure for prompt investigation of reports of violations  
2 and complaints, identifying either the principal or the principal's  
3 designee as the person responsible for such investigation;

4 (g) The range of ways in which a school will respond once an  
5 incident of harassment, intimidation, or bullying is identified;

6 (h) A statement that prohibits reprisal or retaliation against any  
7 person who reports an act of harassment, intimidation, or bullying, and  
8 the consequences and appropriate remedial action for a person who  
9 engages in such reprisal or retaliation;

10 (i) Consequences and appropriate remedial action for a person found  
11 to have falsely accused another as a means of retaliation or as a means  
12 of harassment, intimidation, or bullying; and

13 (j) A statement of how the policy is to be publicized including  
14 notice that the policy applies to participation in school-sponsored  
15 activities.

16 (3) Each school district shall adopt such a policy and transmit a  
17 copy of its policy to the office of the superintendent of public  
18 instruction by September 1, 2002.

19 (4) To assist school districts in developing policies for the  
20 prevention of harassment, intimidation, or bullying, the office of the  
21 superintendent of public instruction shall develop a model policy  
22 applicable to grades K-12. This model policy shall be issued no later  
23 than December 1, 2001.

24 (5) Notice of the school district's policy shall appear in any  
25 publication of the school district that sets forth the comprehensive  
26 rules, procedures, and standards of conduct for the school, and in any  
27 student handbook.

28 NEW SECTION. **Sec. 4.** (1) No school employee, student, or  
29 volunteer may engage in reprisal, retaliation, or false accusation  
30 against a victim, witness, or one with reliable information about an  
31 act of harassment, intimidation, or bullying.

32 (2) A school employee, student, or volunteer who has witnessed, or  
33 has reliable information that a student has been subjected to,  
34 harassment, intimidation, or bullying, whether verbal or physical, is  
35 encouraged to report such incident to the appropriate school official  
36 designated by the school district's policy.

37 (3) A school employee who promptly reports an incident of  
38 harassment, intimidation, or bullying to the appropriate school

1 official designated by the school district's policy, and who makes this  
2 report in compliance with the procedures in the district's policy  
3 prohibiting bullying, harassment, or intimidation, is immune from a  
4 cause of action for damages arising from any failure to remedy the  
5 reported incident.

6 NEW SECTION. **Sec. 5.** (1) Schools and school districts are  
7 encouraged to form bullying prevention task forces, programs, and other  
8 initiatives involving school staff, students, administrators,  
9 volunteers, parents, law enforcement, and community members.

10 (2) To the extent funds are appropriated for these purposes, each  
11 school district shall (a) provide training on the school district's  
12 harassment, intimidation, or bullying policies to school employees and  
13 volunteers who have significant contact with students, and (b) develop  
14 a process for discussing the district's harassment, intimidation, or  
15 bullying policy with students.

16 (3) Information regarding the school district policy against  
17 harassment, intimidation, or bullying shall be incorporated into each  
18 school's current employee training program.

19 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act shall not  
20 be interpreted to prevent a victim from seeking redress under any other  
21 available law either civil or criminal. Sections 2 through 6 of this  
22 act do not create or alter any tort liability.

23 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each  
24 added to chapter 28A.635 RCW.

25 NEW SECTION. **Sec. 8.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

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